

STEERING, LEGISLATIVE & GOVERNMENTAL COMMITTEE

August 3, 2015

5:30 p.m.

Courthouse

MINUTES:

MEMBERS PRESENT:

Commissioner Paul Johnson
Commissioner Allen McAdoo
Commissioner Robert Peay
Commissioner Jeff Phillips
Commissioner Robert Stevens
Commissioner Brad Turner
Commissioner Trey Gooch, C

OTHERS PRESENT:

Ernest Burgess
Edwin Davenport
Sonya Stephenson
Susan Allen
Rhonda Allen
Lisa Nolen
Joe Phillips
Becky Shelton

Chairman Gooch presided and called the meeting to order at 5:30 p.m. with all members being present at that time.

MINUTES:

"Commissioner Turner moved, seconded by Commissioner Phillips, to approve the minutes of the last meeting as mailed. This motion passed unanimously by acclamation."

ANNOUNCE TWO VACANCIES ON CODES ENFORCEMENT BOARD:

Chairman Gooch advised the positions of Daryl Alexander and Jim Averwater on the Codes Enforcement Board were expiring and accordingly being announced.

ANNOUNCE FEMALE VACANCY ON LINEBAUGH LIBRARY BOARD TO FILL UNEXPIRED TERM OF NELL BLANKENSHIP:

Chairman Gooch advised the position of Nell Blankenship on the Linebaugh Library Board was being announced. The term expires June, 2017 and needs to be a female.

ANNOUNCE VACANCY ON STONES RIVER REGIONAL LIBRARY BOARD TO FILL UNEXPIRED TERM OF NELL BLANKENSHIP:

Chairman Gooch advised the position of Nell Blankenship on the Stones River Regional Library Board was being announced. The term expires June, 2017.

FILL TWO VACANCIES ON INDUSTRIAL DEVELOPMENT BOARD AND HEALTH, EDUCATION & FACILITIES BOARD:

Chairman Gooch advised applications had been received from Ed Davenport, Randall Matlock and Debra Kennedy for appointment to the Industrial Development Board and Health, Education & Facilities Board. Mr. Davenport was in attendance and addressed the Committee.

"Commissioner Stevens moved, seconded by Commissioner Phillips, to nominate all and vote for two. Mr. Davenport and Mr. Matlock will be recommended for appointment to the Industrial Development Board and Health, Education & Facilities Board with Commissioner Johnson voting for Davenport and Matlock; Commissioner McAdoo voting for Davenport and Matlock; Commissioner Peay voting for Davenport and Matlock; Commissioner Phillips voting for Davenport and Matlock; Commissioner Stevens voting for Davenport and Matlock; Commissioner Turner voting for Davenport and Kennedy and Chairman Gooch voting for Davenport and Matlock."

FILL ALTERNATE VACANCY ON EQUALIZATION BOARD TO FILL UNEXPIRED TERM OF JOHN BARBEE:

Chairman Gooch advised an application had been received from Joe Phillips for appointment to the alternate vacancy on the

Equalization Board previously held by John Barbee which expires April, 2016. Mr. Phillips was in attendance and addressed the Committee.

"Commissioner Peay moved, seconded by Commissioner Johnson, to approve the appointment of Joe Phillips to fill the alternate vacancy on the Equalization Board which expires April, 2016. This motion passed unanimously by acclamation."

APPOINTMENT OF JUDICIAL COMMISSIONER:

Chairman Gooch next advised the Judge of the Smyrna General Sessions Court of Rutherford County has requested appointment of Carmen Arnold as a judicial commissioner pursuant to the authority contained in Tennessee Public Acts of 1978, Chapter 933, for a term not to exceed four years and such term to conclude and terminate if and when the term is concluded or the service with the Town of Smyrna is terminated. Following discussion,

"Commissioner Phillips moved, seconded by Commissioner Stevens, to recommend appointment of Carmen Arnold as judicial commissioner for a term not to exceed four years and such term to conclude and terminate if and when the term is concluded or the service with the Town of Smyrna is terminated. This motion passed unanimously by acclamation."

ANNOUNCE ELECTION OF CHAIRMAN PRO TEM AT SEPTEMBER COMMISSION MEETING:

Chairman Gooch advised the Chairman Pro Tem position would be elected at the September Commission meeting.

ANNOUNCE TENTATIVE ELECTION OF COMMISSION CHAIRMAN AT AUGUST COMMISSION MEETING:

Chairman Gooch advised the Commission Chairman would tentatively be elected at the August Commission meeting.

ANNOUNCE ELECTION OF STEERING COMMITTEE AT AUGUST COMMISSION MEETING:

Chairman Gooch advised the Steering Committee would be elected at the August Commission meeting.

ANNOUNCE ELECTION OF COMMISSION CHAPLAIN AT SEPTEMBER COMMISSION MEETING:

Chairman Gooch advised the Commission Chaplain would be elected at the September Commission meeting.

REVIEW ACCOUNTING ACTS AND EVALUATE:

Finance Director Lisa Nolen provided comparisons of the major areas of Fiscal Control Acts of 1957, the County Financial Management Act of 1981 and the Rutherford County Private Act for the use and information of the Committee. Commissioner Rhonda Allen also provided information on the County Purchasing Law of 1957. Ms. Nolen advised the County already has centralized budgeting and accounting but not centralized purchasing.

Commissioner Peay advised the Ethics Committee has been frustrated with the current situation at the Sheriff's Department and asked if the Private Act could be modified so the consequences are as stringent as the other Acts as he did not want an upheaval of the current budget system. Mayor Burgess advised the Private Act could be changed with a two-third's vote to modify the language without adopting the other Acts. Abuse of power is not in the County Private Act. Ms. Nolen advised the general TCA statute is available that covers everyone. Chairman Gooch advised he liked the idea of strengthening the language and redoing the Private Act. Mayor Burgess advised the 1957 Act language can be mirrored making a consequence a felony charge and including abuse of power. A \$50 fine is the maximum

that can be put in place. The Committee advised it had no interest in restructuring to the 1957 or 1981 Acts but did want to look at strengthening the language of the Private Act. Following discussion,

"Commissioner Turner moved, seconded by Commissioner Phillips, to direct the County Mayor and Finance Director to meet with the County Attorney to develop language to strengthen the Private Act language on penalties, conflicts of interest, inappropriate use of funds, etc. This motion passed unanimously by acclamation."

Mayor Burgess advised thought needed to be given to changing some of the purchasing processes and thought a Purchasing Agent was needed besides himself and his staff of two and could cover purchases for the School Board and Highway Department. Knox County has a Purchasing Agent that handles General, the Highway Department and School Board.

Ms. Nolen advised the County purchasing limit was previously increased from \$5,000 to \$10,000 but the Highway Department is still at \$5,000. This may need to be addressed.

REVISIT CONSENT AGENDA POLICY:

Commissioner Phillips advised some changes have been made to the Consent Agenda policy as to notices, etc. and he thought this made the Commission process more streamlined. Chairman Gooch asked if public hearings should be at 6:15. Commissioner Turner advised some constituents may need additional time to get to the meetings after work. Mayor Burgess advised the issue as to the time of public hearings could be re-evaluated at a later date.

RESCHEDULE SEPTEMBER MEETING DUE TO LABOR DAY HOLIDAY:

The September Steering meeting will be moved to September 9 at 5:30 p.m. due to conflict with the Labor Day holiday. HR Director Sonya Stephenson advised options regarding retirement benefits would be presented at the September meeting and requested specific questions from the Committee that it wanted addressed. Commissioner Stevens advised he would like advice on the health of the plan and what other counties had changed.

ANNUAL MEETING WITH LEGISLATORS:

Commissioner Phillips advised moving the annual meeting with the Legislators to earlier in the year had previously been discussed and he proposed meeting in December before the session starts rather than January. Chairman Gooch advised he would review the agenda in December and if a lot is on the agenda he may call a special meeting.

ACCRUAL OF ANNUAL LEAVE AND SICK LEAVE BY ELECTED OFFICIALS:

Finance Director Nolen advised an issue as to accrual of annual leave and sick leave by elected officials has come to her attention and she has had her office stop the accruals at this time. The issue involves crediting sick leave towards TCRS benefits. Ms. Nolen reviewed the different policies in effect including a Resolution adopted which directed unused sick leave be credited toward retirement and included language that department heads are entitled to sick leave and all benefits. TCRS rules as to elected officials use of sick leave was reviewed. A 1994 handbook says elected officials do not accumulate annual leave. Ms. Nolen advised elected officials have to be paid the State minimum and this may be the reason for not accumulating annual and sick leave. Ms. Nolen advised one problem is elected officials do not report their leave use. Ms. Nolen advised there may already be a legal opinion on the issue but she was unable to get the same prior to the meeting. Ms. Nolen will secure additional information on this matter and report back.

There appearing to be no further business to come before the Committee, Chairman Gooch declared the meeting adjourned at 6:35 p.m.

TREY GOOCH, Chairman